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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DISTRICT

**OREGON COUNCIL FOR THE
HUMANITIES; FEDERATION OF
STATE HUMANITIES COUNCILS,**

Plaintiffs,

v.

**U.S. DEPARTMENT OF
GOVERNMENT EFFICIENCY; AMY
GLEASON; NATIONAL
ENDOWMENT FOR THE
HUMANITIES; MICHAEL
MCDONALD; NATIONAL
COUNCIL ON THE HUMANITIES,**

Defendants.

Case No. 3:25-cv-00829-SI

DECLARATION OF MICHAEL
MCDONALD IN SUPPORT OF
DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

I, Michael McDonald, hereby declare under penalty of perjury:

1. I am the Acting Chairman of the National Endowment for the Humanities (“NEH”). President Trump appointed me to the Acting Chairman position on March 10, 2025.
2. I have worked at NEH since May 2003 in a variety of positions including Deputy General Counsel, General Counsel, Assistant Chairman for Programs, and Acting Deputy Chairman.
3. Before serving as Acting Chairman, I was the General Counsel of NEH since 2008. I earned my law degree in 1982 and have a Ph.D. in Romance Languages and Literatures.
4. Congress created NEH in 1965 within the executive branch of the federal government to support research, education, preservation, and public programs in the humanities. NEH accomplishes this mission by providing grants for high-quality humanities projects to cultural institutions and individuals, and through partnerships with public and private organizations.
5. In the statute creating NEH, Congress authorized the NEH Chairperson – with the advice of the National Council on the Humanities – to enter contracts, grants, loans and other forms of assistance to carry out the agency’s humanities functions.
6. NEH’s authorizing statute does not set forth any prohibition on the discretion of the NEH Chairperson to terminate grant awards.

7. NEH's authorizing statute does not set forth any prohibition or limitation on the discretion of the NEH Chairperson to eliminate or restructure agency programs, or add new programs.

8. In early April 2025, as part of an effort to comply with Presidential Executive Order 14222 and in consultation with the Department of Government Efficiency, I undertook individualized assessments and terminated grants¹ including 79 general operating support ("GOS") grants that NEH had awarded to state and jurisdictional humanities councils. NEH grant termination is specifically referenced and authorized within the terms and conditions regarding GOS grants to state and jurisdictional humanities councils. *See Exhibit A.*

9. Attached as Exhibit B is a copy of my April 2025 grant termination notice to the Oregon Council for the Humanities regarding its GOS grant, along with a copy of Oregon's grant award showing its terms and conditions. *See Exhibit B.* NEH has not terminated, or modified, any other grant awards to the Oregon Humanities Council since that time.

10. In early April 2025, I terminated two grants totaling \$60,000 made to the Federation of State Humanities Councils. These grants were not GOS grants but were chairman's grants made under 20 U.S.C. § 957(f). At the time of termination, NEH had already fully paid the Federation for one of the two \$30,000 grants. NEH has no other open grants with the Federation.

¹ My April termination notices were issued pursuant to Executive Order 14222. The notices mistakenly referenced Executive Order 14217 and should have referenced Executive Order 14222.

11. The money Congress appropriates to NEH each fiscal year to carry out NEH's statutory functions is "no-year" funding, which means that Congress does not require NEH to expend the money its appropriates to the agency in a given fiscal year, but rather that the agency may carry over the funding and expend it in succeeding fiscal years.

12. NEH's annual appropriations legislation for fiscal year 2025 and prior fiscal years specifies that the agency's funding is "to remain available until expended."

See Consolidated Appropriations Act, 2024, Pub. L. 118-42 (Mar. 9, 2024); March 15, 2025, Continuing Resolution, Pub. L. 119-4.

13. NEH does not typically spend all its Congressional appropriations in a fiscal year and accordingly each year NEH "carries over" appropriated funds to the next fiscal year.

14. Attached as Exhibit C is a copy of a press release NEH issued on April 24, 2025. The press release discussed NEH's priorities under the new Administration and the agency's updated approach to grant funding.

15. On May 8, 2025, NEH announced more than \$9.5 million in new grant awards. *See Exhibit D.*

16. On or about June 2, 2025, NEH rescinded approximately 55 of its 79 April 2025 GOS grant termination notices to state and jurisdictional humanities councils, including the Oregon Council for the Humanities, *see Exhibit E*, and state humanities councils in Ohio, Arkansas, New Mexico, Illinois, South Dakota, Alaska, and Mississippi. Rescinding the termination notices was necessary for NEH to

ensure it complied with the congressional appropriation requirement that NEH fund its Federal/State Partnership Program at a minimum of 20% of its overall appropriation. 20 U.S.C. § 960(a)(1)(B). In the rescission notices, NEH committed to funding councils as appropriate under the 20% level established by Congress.

17. NEH did not issue rescission notices in June 2025 for approximately 24 state and jurisdictional humanities council GOS grants because those grants were already in their fourth or fifth year, the designated closeout period, and therefore NEH did not reinstate them. These GOS grants have a five-year period of performance, with years one through three supporting programmatic activities and years four and five designated for closeout requirements and finishing subaward projects.

18. As NEH Chairpersons have done since the inception of NEH, I have modified grant programs initiated by prior Administrations in a manner that I believe better aligns NEH's work with the current Administration's priorities.

19. Prior NEH Chairpersons appointed during both Republican and Democrat Administrations have eliminated grant program opportunities and restructured the agency by eliminating entire offices. In 1995, NEH Chairman Sheldon Hackney reduced NEH from six to three program divisions and from thirty-one programs to seven programs because of agency budget reductions. *See* NEH Timeline, 1995, <https://www.neh.gov/about/history/timeline>. In addition, over the years, NEH's Office of Challenge Grants has, alternately, been dispersed among several divisions,

consolidated within its own office, and housed as a grant program within another division.

20. Consistent with its congressional mandate, NEH continues to fund projects that strengthen humanities research, education, teaching and scholarship in a wide variety of humanities disciplines. NEH is undergoing an internal restructuring in the wake of a Reduction in Force, but this action will not preclude NEH from disbursing its congressionally appropriate funding to the state and jurisdictional humanities councils.

21. NEH's Office of Federal/State Partnership does not disburse grant funds. Instead, NEH's Office of Grant Management processes all grant disbursements.

22. I have continued previously existing grant programs and created new ones. In the past several months, I have launched three new grant programs:

Rediscovering Our Revolutionary Tradition, which offers grants up to \$350,000 to individual institutions and up to \$750,000 to a consortium of organizations for projects that preserve and improve public access to primary source materials relating to the United States's Founding Era and the history of American government see, <https://www.neh.gov/news/neh-announces-new-grant-program-enhance-access-documents-americas-founding>; *Public Impact Projects Celebrating America's 250th Anniversary*, which offers grants up to \$200,000 for projects that focus on public interpretation of the Founding Era and the lasting impact of the people and events that propelled the Revolution see, <https://www.neh.gov/news/neh-announces-new-grant-program-cultural-organizations-people-events-and-legacy>

1776; and *Celebrate America!*, which offers challenge grants up to \$25,000 each for projects that focus on the founding of the American nation, key historical figures, and milestones that reflect the exceptional achievements of the United States see, <https://www.neh.gov/news/neh-announces-celebrate-america-grant-program-support-projects-commemorating-americas-250th>. Prior NEH Chairpersons have similarly discontinued or added new grant opportunities (and program offices) to effectuate the respective priorities of the Presidential administrations for which they worked.

23. I plan to make a broad range of grants following the July 2025 and November 2025 meetings of NEH's advisory committee, the National Council on the Humanities.

Dated this 15th day of July, 2025.

Michael P.
McDonald

Digitally signed by
Michael P. McDonald
Date: 2025.07.15
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MICHAEL MCDONALD
Acting Chairman
National Endowment for the Humanities